

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY [Signature] 5/18/05

MAY 18 PM 3:33

ROBERT L. FOLEY  
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**BILLY ALLRED, DECEASED,  
MARY MCCAIN AND JANICE SHUFFIELD,  
AS PETITIONERS and ADMINISTRATRICES,**

**Plaintiffs,**

**v.**

**Docket NO.: 04-2596-Ma V**

**MID-SOUTH TISSUE BANK, INC.,  
UNITED DONOR SERVICES, LLC.,  
CATHY UNDERWOOD, TIMOTHY  
BRAHM and KEVIN FOLEY, M.D.,**

**Defendants.**

**Jury Demanded**

**ORDER ON DEFENDANTS'  
MOTION TO AMEND ANSWER**

On the 18<sup>th</sup> day of May, 2005, came the motion of defendants Mid-South Tissue Bank, Inc., United Donor Services, LLC., Cathy Underwood, Timothy Brahm and Kevin Foley, M.D. to amend the Answer to add more specific affirmative defenses based on comparative fault under Tennessee law. The Court finds that the defendants' motion is timely and that it is not opposed by the plaintiff.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED,** that the Defendants be allowed to amend their answer to add affirmative defenses in the form attached to the Motion to Amend the Answer.

Diane K. Vesco  
**DIANE VESCOVO**  
UNITED STATES MAGISTRATE JUDGE

May 18, 2005  
DATE

17



## Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:04-CV-02596 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT